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Attorneys for Defendant PATRICK WITHROW in his official capacity

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JANET ROE,

Plaintiff,

vs.

MICHAEL REYNOLDS, et al.

Defendants.

) Case No.: 2:25-CV-01070-JAM-JDP

)

) **DEFENDANT PATRICK WITHROW'S**

) **ANSWER TO COMPLAINT AND**

) **DEMAND FOR JURY TRIAL**

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Defendant PATRICK WITHROW in his official capacity (hereinafter, "Defendant") answers Plaintiff's Complaint (ECF No. 1) as follows. Defendant generally denies all allegations except those specifically admitted. Each paragraph number in this answer corresponds to the paragraph number in the Complaint.

1. The Summary requires no response.

2. The Summary requires no response.

3. The Summary requires no response.

4. The Summary requires no response.

5. The Summary requires no response.

6. Defendant lacks sufficient knowledge or information to admit or deny.

7. Admit that the County of San Joaquin is a public entity. Deny that the San Joaquin County Sheriff's Office is a separate public entity.
8. Defendant lacks sufficient knowledge or information to admit or deny.
9. Admit that Defendant was the Sheriff of the San Joaquin County Sheriff's Office. All remaining allegation are legal conclusions that require no response.
10. Admit that Michael Reynolds was employed as a Deputy Sheriff. All remaining allegation are legal conclusions that require no response.
11. Admit that jurisdiction is proper.
12. Admit that venue is proper.
13. Defendant lacks sufficient knowledge or information to admit or deny.
14. Defendant lacks sufficient knowledge or information to admit or deny.
15. Admit that Reynolds was a Sergeant with the San Joaquin County Sheriff's Office. Deny that he was a Sergeant until February 2023.
16. Defendant lacks sufficient knowledge or information to admit or deny.
17. Defendant lacks sufficient knowledge or information to admit or deny.
18. Defendant lacks sufficient knowledge or information to admit or deny.
19. Defendant lacks sufficient knowledge or information to admit or deny.
20. Defendant lacks sufficient knowledge or information to admit or deny.
21. Defendant lacks sufficient knowledge or information to admit or deny.
22. Defendant lacks sufficient knowledge or information to admit or deny.
23. Defendant lacks sufficient knowledge or information to admit or deny.
24. Defendant lacks sufficient knowledge or information to admit or deny.
25. Defendant lacks sufficient knowledge or information to admit or deny.
26. Deny.
27. Deny.
28. Deny.
29. Defendant lacks sufficient knowledge or information to admit or deny.
30. Deny.

1 31. Deny.

2 32. Deny that the Sheriff's Office has a documented history of protecting officers who
3 engage in misconduct. Defendant lacks sufficient knowledge or information to admit
4 or deny the remaining allegations.

5 33. Defendant lacks sufficient knowledge or information to admit or deny.

6 34. Defendant lacks sufficient knowledge or information to admit or deny.

7 35. Defendant lacks sufficient knowledge or information to admit or deny.

8 36. Deny that the County of San Joaquin failed to take appropriate action after becoming
9 aware of allegations of sexual harassment and misconduct by employees. Defendant
10 lacks sufficient knowledge or information to admit or deny the allegation regarding
11 additional unknown victims.

12 37. This is a legal conclusion that requires no response.

13 38. Deny.

14 39. Defendant lacks sufficient knowledge or information to admit or deny.

15 40. This is a legal conclusion that requires no response.

16 41. Defendant lacks sufficient knowledge or information to admit or deny.

17 42. This is a legal conclusion that requires no response.

18 43. This claim is not brought against Defendant and therefore requires no response.

19 44. This claim is not brought against Defendant and therefore requires no response.

20 45. This claim is not brought against Defendant and therefore requires no response.

21 46. This claim is not brought against Defendant and therefore requires no response.

22 47. This claim is not brought against Defendant and therefore requires no response.

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28 53. This claim is not brought against Defendant and therefore requires no response.

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27 80. This claim is not brought against Defendant and therefore requires no response.

28 81. This claim is not brought against Defendant and therefore requires no response.

- 1 82. Defendant incorporates all prior corresponding responses.
- 2 83. This is a legal conclusion that requires no response.
- 3 84. This is a legal conclusion that requires no response.
- 4 85. This is a legal conclusion that requires no response.
- 5 86. This is a legal conclusion that requires no response.
- 6 87. Deny.
- 7 88. Deny.
- 8 89. Deny.
- 9 90. Deny.
- 10 91. This is a legal conclusion that requires no response.
- 11 92. This is a legal conclusion that requires no response.
- 12 93. This is a legal conclusion that requires no response.
- 13 94. This is a legal conclusion that requires no response.
- 14 95. Deny.
- 15 96. Deny.
- 16 97. Deny.
- 17 98. Defendant lacks sufficient knowledge or information to admit or deny.
- 18 99. Defendant lacks sufficient knowledge or information to admit or deny.
- 19 100. Defendant lacks sufficient knowledge or information to admit or deny.
- 20 101. This is a legal conclusion that requires no response.
- 21 102. This claim is not brought against Defendant and therefore requires no response.
- 22 103. This claim is not brought against Defendant and therefore requires no response.
- 23 104. This claim is not brought against Defendant and therefore requires no response.
- 24 105. This claim is not brought against Defendant and therefore requires no response.
- 25 106. This claim is not brought against Defendant and therefore requires no response.
- 26 107. This claim is not brought against Defendant and therefore requires no response.
- 27 108. This claim is not brought against Defendant and therefore requires no response.
- 28 109. This claim is not brought against Defendant and therefore requires no response.

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AFFIRMATIVE DEFENSES

1. Any and all events and happenings in connection with the allegations were legally caused and contributed to by the negligence or legal fault of persons other than Defendant. If Plaintiff recovers any sum whatsoever herein, such amount must be reduced in proportion and to the extent that the negligence, wrongdoing or other conduct of others legally caused and/or contributed to Plaintiff's claimed injuries and damages, and if there is a verdict in favor of said Plaintiff against Defendant, the verdict should be in proportion to Defendant's pro rata responsibility.

2. Plaintiff's claim is barred by the statute of limitations.

3. Plaintiff failed to mitigate damages.

4. If damages are awarded against Defendant, he is entitled to an offset for settlement money paid to Plaintiff by other defendants for the same injury.

5. To the extent Plaintiff seeks punitive damages, they are not available against Defendant in his official capacity. Cal. Govt. Code section 818.

PRAYER

WHEREFORE, Defendant request the following relief:

1. That Plaintiff's Complaint be dismissed in its entirety without leave to amend and that Plaintiffs take nothing by way of the Complaint;

2. That Defendant be henceforth dismissed from this matter with prejudice;

3. That judgment be entered in favor of Defendant and against Plaintiff;

4. That Defendant be awarded attorney's fees and costs of suit incurred under and by virtue of the laws stated above; and

1 5. For such other and further relief as the Court deems just and proper.

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3 Dated: August 13, 2025

ANGELO, KILDAY & KILDUFF, LLP

4 */s/ Derick E. Konz*

5 By: _____

DERICK E. KONZ

6 WILLIAM J. BITTNER

7 Attorneys for Defendant PATRICK

8 WITHROW in his official capacity

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11 **DEMAND FOR JURY TRIAL**

12 Defendant respectfully demands that all issues of fact be tried herein by and before a jury.

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14
15 Dated: August 13, 2025

ANGELO, KILDAY & KILDUFF, LLP

16 */s/ Derick E. Konz*

17 By: _____

DERICK E. KONZ

18 WILLIAM J. BITTNER

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